

# HOUSE BILL No. 1731

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-24-3-2; IC 34-51-3-1; IC 35-43-1-5.

**Synopsis:** Improper repair of vehicle air bags. Makes it a Class D felony to install in a motor vehicle's inflatable restraint system any object in place of an air bag if the installed object fails to comply with federal requirements. Provides that a person who may recover damages and certain other compensation after suffering a pecuniary loss as a result of an offense against property or certain other criminal offenses is not subject to certain punitive damage limitations.

**Effective:** July 1, 2003.

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**Aguilera, Ayres, Duncan**

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January 21, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1731

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 34-24-3-2 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) For purposes of  
3       determining the amount of damages recoverable under section 1(1) of  
4       this chapter, there is an irrebuttable presumption that a retailer who  
5       brings a civil action under this chapter (or IC 34-4-30 before its repeal)  
6       as the result of a violation of IC 35-43-4-2 (theft) or IC 35-43-4-3  
7       (conversion) suffers a pecuniary loss in the amount of:

8           (1) one hundred dollars (\$100) regardless of whether:

9               (A) the property is returned to the retailer; or

10              (B) the actual retail value of the property is less than one  
11              hundred dollars (\$100); or

12           (2) the retailer's actual damages;

13       whichever is greater.

14       (b) An individual found liable in a civil action under this chapter (or  
15       IC 34-4-30 before its repeal) for violating IC 35-43-4-2 or IC 35-43-4-3  
16       may not be indemnified or insured for any penalties, damages, or  
17       settlement arising from the violation.



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1       (c) The recovery of damages under section 1(1) of this chapter  
2       is not subject to IC 34-51-3.

3       SECTION 2. IC 34-51-3-1 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter applies  
5       to all cases in which a party requests the recovery of punitive damages  
6       in a civil action. **However, this chapter does not apply to the**  
7       **recovery of damages under IC 34-24-3-1(1).**

8       SECTION 3. IC 35-43-1-5 IS ADDED TO THE INDIANA CODE  
9       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10      1, 2003]: **Sec. 5. A person who knowingly or intentionally installs,**  
11      **in place of an air bag as part of a motor vehicle's inflatable**  
12      **restraint system, an object that does not comply with federal safety**  
13      **regulations for the make, model, and year of the motor vehicle,**  
14      **commits air bag tampering, a Class D felony.**

15      SECTION 4. [EFFECTIVE JULY 1, 2003] **IC 34-24-3-2, as**  
16      **amended by this act, and IC 35-43-1-5, as added by this act, apply**  
17      **only to acts committed after June 30, 2003.**

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